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THE STATE OF FRANKLIN

IN the history of the American frontier there have been repeated instances of the settlers' themselves taking the initiative in the erection of local governments. Of these governments, formed by absolutely no other authority than that of the people directly concerned, perhaps the most noteworthy is that of the state of Franklin. It was maintained for about three years against the authority of the parent state, North Carolina. The movement could not justly be called a rebellion, however, as it was not begun till after the settlers thought themselves abandoned and left without any government. Seven years before, they had gladly given up their first independent association and accepted the authority of North Carolina.

This first government, or "Watauga government," as it was called, was formed in 1772. The first settlers, who had crossed the mountains and established themselves along the Holston, Watauga, and other streams of what is now eastern Tennessee, found themselves beyond the influence of the laws of North Carolina, within whose territorial limits this region was included. In this situation they easily and naturally organized a government for themselves, passed laws, and put them into force quite independently of any outside influence. In doing so they merely carried a little further the principles of the North Carolina Regulators, with which they were doubtless familiar. In another aspect their situation and their action were quite similar to those of the Pilgrim Fathers. The Watauga government was in operation — quite successful operation, so far as we know — for five years, when at the request of the settlers themselves the North Carolina government was extended over them. Laws were passed to confirm marriages and other acts requiring state sanction. So the Wataugans easily became North Carolinians. Other communities of that region went through a similar political experience.¹ It was not strange that these backwoodsmen, after their experience with independent government, should easily revert to it when in their opinion their interests demanded it. It has been suggested that the example of Ver-

¹ For a fuller description of the Watauga, Cumberland, and Clarksville associations see Turner, "Western State Making in the Revolutionary Era," in *AMERICAN HISTORICAL REVIEW*, Oct., 1895.

mont, maintaining her independence successfully against the states of New York and New Hampshire, was the cause of the Franklin movement.¹ Vermont's action may have had some influence on the Franklin leaders, although there is no direct evidence of it. Moreover, considering the character and experience of these frontiersmen it would seem that only an occasion was necessary to make them take the step they did.

The occasion was furnished by an act of the North Carolina general assembly by which her territory west of the mountains was ceded to Congress. This was in response to a request by that body that all states claiming lands beyond the Alleghenies should give them up to help defray the expenses of the Revolutionary War. Congress had just passed the ordinance containing the so-called Jefferson plan for the division and organization of the west into new states.² One of the rectangular states of that plan included most of the territory occupied by the settlers whom we are considering. Not only did it seem to them that their statehood was assured by the action of Congress and of North Carolina, but they were made to feel that at least some prominent North Carolinians were glad to get rid of them for personal reasons. It was reported that when the cession bill was before the North Carolina general assembly, and the members from the transmontane counties were pleading to be continued as a part of the state, prominent members from the older counties said that the Western people were the offscourings of the earth and they would be well rid of them.³ The delegates from the four western counties carried the news of the cession to their constituents. Two years had been allowed Congress in which to accept the territory. This was made much of, while the correlative declaration, that it should remain under North Carolina's jurisdiction until so accepted, was disregarded. The standing and well-grounded complaints of North Carolina's excessive and unjust taxation and her inadequate judicial and military provision for the west influenced many in favor of the new state scheme. So for various reasons there was a large party ready to embark upon it.

A committee composed of two members from each captain's company proposed an election of delegates from Washington, Sullivan, Greene, and Davidson counties, who should meet in convention at Jonesborough with power to adopt such measures as they

¹ Moore, *Hist. of North Carolina*, I. 364.

² For a discussion of Congressional action along this line see the writer's "Evolution of the American System of Forming and Admitting New States into the Union," in *Annals of the American Academy of Political and Social Science*, Nov., 1901.

³ Franklin general assembly in Address to Governor Martin, *Pennsylvania Packet*, Nov. 21, 1785.

might deem advisable. An election was held in all but Davidson county, and the first convention met Aug. 23, 1784. John Sevier was made president, and Landon Carter secretary.¹ This convention adopted the report of a committee,—that they had an undeniable right to petition Congress to accept North Carolina's cession and "to countenance us in forming ourselves into a separate government, and either to frame a permanent or temporary constitution, agreeably to a resolve of Congress." They show their expectation of incorporating the neighboring settlements of Virginia by announcing that "When any contiguous part of Virginia shall make application to join this Association, after they are legally permitted, either by the state of Virginia or other power having cognizance thereof,² it is our opinion that they may be received and enjoy the same privileges that we do, may or shall enjoy." It was further decided that "one or more persons ought to be sent to represent our situation in the Congress of the United States, and this convention has just right and authority to prescribe a regular mode for his support."³ The vote stood 28 to 15 in favor of forming into a separate and distinct state "at this time." There is evidence that Sevier himself was opposed to the movement at first. He wrote to Joseph Martin that he was "Draged into the franklin measures by a large number of the people of this Country."⁴ The lack of harmony was particularly manifest in the second convention, called for the purpose of drawing up a constitution. It did not meet till November, 1784, several weeks after the time set for it, and then broke up in confusion.

Meanwhile, before Congress had had an opportunity to accept North Carolina's western territory the act of cession was repealed by the North Carolina general assembly. In the act of repeal the reason therefor is given as follows :

That the cession, so intended, was made in full confidence that the whole expense of the Indian expeditions and militia aids to the states of South Carolina and Georgia should pass to account in our quota of the continental expenses in the late war ; and also that the other states holding western territory would make similar cessions, and that all the states

¹ For a sketch of what the four conventions accomplished see Ramsey, *Annals of Tennessee*, 286 ff.; also Haywood, *History of Tennessee*, 137 ff. For a general account of the state of Franklin, particularly in reference to relations with the Indians, see President Roosevelt's *Winning of the West*, III. ch. iv.

² In view of the reference to the resolve of Congress just above, the "other power" is plainly Congress itself, to whom, in the opinion of the mountaineers, North Carolina had ceded their territory. President Roosevelt (*Winning of the West*, III. 157) is hardly warranted in concluding from this phrase that they "ignored the doctrine of State Sovereignty."

³ Committee report in Rev. S. Houston MSS., quoted by Ramsey, *Annals of Tennessee*, 287.

⁴ *Calendar of Virginia State Papers*, IV. 416.

would unanimously grant imposts of five per cent as a common fund for the discharge of the federal debt ; and whereas the states of Massachusetts and Connecticut, after accepting the cessions of New York and Virginia, have since put in claims for a large part of that territory, all the above expected measures for constituting a substantial common fund have been either frustrated or delayed.

The party opposed to the organization of the new state was strengthened by further action of the North Carolina general assembly. The western counties were formed into a superior court district with an assistant superior court judge, and a brigadier-general of militia was created. In view of these concessions John Sevier made a speech against forming a new state, even when the election to the third convention was in progress. This convention met, however, December 14, 1784, and provided that a general assembly should be elected under the North Carolina election law, and should put the new government into operation at once. It also proposed a written constitution for the new state. The Reverend Samuel Houston was an influential member of this convention from Washington county, and in a preface to a proposed constitution which he advocated has well sketched the history of constitution-making in Franklin, as follows :

In December 1784, at Jonesborough in this state, a Convention was held, and having agreed to a Constitution, recommended and held it out to the people for their consideration, signifying to the people, that before the expiration of one year they should choose a Convention, for the express purpose of adopting it in the name of the people, or altering it, as instructed by them ; which is attested by the Resolve itself, and a Resolve of the Assembly which sat August 1786.

Well, accordingly, the late Convention met at Greeneville, November the 14th, 1785 ; and from different parts of the State, the people laid in instructions, which shewed that there was a great diversity and contrariety of sentiments amongst them. However, the Convention, after some debate, agreed to appoint a Committee of their members, who should prepare a Form of Government to lay before the whole Convention, that it might be examined, altered, amended, and added to, as the majority should think proper ; and thus be perfected and finished in as accurate a manner as the united wisdom of members of the Convention could do.

After the Committee retired, the first thing of account they agreed upon, was, to proceed upon business by taking the Constitution of North Carolina for their groundwork or foundation, and together with it, all political helps that the thirteen Constitutions, the instructions of the people, and any other quarter might afford, to prepare a report to lay before the Convention. In this manner the Committee proceeded, adhering strictly to the groundwork, viz., North Carolina Constitution, retaining of it whatever appeared suitable, and to it collected pieces out of their other political helps, till they had just conformed their plan, that it might be laid before the whole Convention, that, as has been said, it might be examined, altered, amended, and added to, as the majority should think best.

The whole house having met, the Report of the Committee was laid before them, and rejected in the lump; in consequence of which, the whole house took up the North Carolina Constitution, and hastily reading it off, approved of it in the general, whilst the friends of the Report of the Committee strove to introduce, but all in vain, some material parts of their plan, viz., a single house of Legislation, equal and adequate representation, the exclusion of attorneys from the Assembly, etc., and failing in these most important points, by the unanimous consent of the whole Convention, obtained leave to enter upon the Journals, their dissent to what had been carried in Convention, and also to hold out to the people, for their consideration, the Report of the Committee.¹

It was the constitution reported by this committee that Samuel Houston advocated. He circulated printed copies with his preface—all to no purpose however, as the people were satisfied with the North Carolina constitution as adopted by the convention.

Under the North Carolina law providing for a brigadier general of militia for the western counties John Sevier was appointed to the office. It does not seem likely that he knew of it when, at the election of the third convention, he made his speech against the new state movement. At any rate, in view of his subsequent action this appointment cannot be given as the cause of his opposition. The facts that he had already served North Carolina in different public capacities, was a prominent King's Mountain hero, and was without doubt the leading man in the region, are quite sufficient to explain his appointment to that important office.

Colonel Joseph Martin, agent to the Cherokee Indians for the states of North Carolina and Virginia,² was, in his official capacity, naturally against the new state, although he evidently had a good deal of sympathy with it. Arthur Campbell, the county lieutenant and a justice of Washington county in Virginia, charged him in a letter to the governor with being chosen "at his own solicitation one of the Privy Council for the State of Frankland." But this was indignantly denied by Martin. In a letter to Governor Henry he admitted that the Franklin assembly had elected him to their privy council, but declared that "no Earthly thing shall prevail on me to neglect my duty as Agent for the State of Virga. so long as I have the honour to fill that office," and that he was "in Every Sence of the word against a New State."³ It is from his reports, however,

¹ This preface and constitution are printed in *The American Historical Magazine*, I. 50.

² He was a candidate for appointment by Congress as Indian commissioner for the entire southern department. See certificate of Governor Alex. Martin, dated April 16, 1785, that "Colonel Joseph Martin hath been appointed Agent to the Cherokee nation of Indians by this State for some years past"; also his request of Governor Patrick Henry for a similar certificate, that the two might be forwarded to Congress to further his candidacy. *Calendar of Virginia State Papers*, IV. 24 and 25.

³ For this correspondence see *Calendar of Virginia State Papers*, IV. 31 and 53.

that we get some of our information about the "New State." He seems to have been on different occasions a sort of go-between in much of the controversy between Sevier and Governor Martin of North Carolina. At the beginning of it, shortly after the repeal of the act of cession, he wrote to Sevier as follows :

The Honorable John Sevier Esq., Brigadier General Washington Dst.

Dear Sir. Dcem^r the 31st 1784

I left Governor Martins the 19th Instant he informed me that Maj^r outlaw was sent forward near four weeks ago with some dispatches to you inclosing your Generals Commission with a number of other papers . . . he informed me the first business that the assemble Did was to repeal the Cession bill — before Congress Could meet to accept it . . . as you have formed a Government here I must beg that you will inform me whither you will presist or let it lay over untill you Can be Better informed.¹

But it was not allowed to lie over. The first general assembly of the state of Frankland, as it was then called, met early in 1785 and proceeded to organize the new government. A full set of officers was chosen, including John Sevier as governor. He accepted this office in spite of his appointment as brigadier-general of the district by the North Carolina government. The definite launching of the new government called forth the following letter from Governor Martin, addressed to "Brigadier General Saveez" [meaning Sevier]:

DANBURY, the 27th of Feb. 1785

Sir

With some concern I have heard that the counties of Washington, Sullivan, and Greene, have lately declared themselves independent of the state of North Carolina, and have chosen you governor; that you have accepted the same, and are now acting with a number of officers under the authority of the new government.

As I wish to have full and proper information on this subject, major Samuel Henderson waits upon you with this, by whom you will please to transmit me an account of the late proceedings of the people, relative to the above, in the western country, that I may have it in my power to communicate the same to the general assembly. The general discontent that prevailed through the state at the late cession act, and the sense of Congress to make the state no retaliation for the same, caused the assembly to repeal that act, by a large majority, and to convince the people of the western country, that the state still retained her affection for them, was not desirous to part with so respectable a body of citizens, in the present situation of affairs, attempted to render government as easy as possible, by erecting a new superior court district, creating a brigadier general of the militia, and an assistant judge of the said superior court, which was, in short, redressing every grievance, and removing every obstacle that called for a separation, and which the legislature were

¹ Draper Colls., King's Mountain MSS., XI. Library Wis. Hist. Soc.

taught to believe, from one of the members of that dist., would' give full satisfaction.

It has also been suggested that the Indian goods are to be seized, and the commissioners arrested, when they arrive on the business of the treaty, as infringing on powers of your new government, for which they are stopped. I shall not proceed with the commissioners, until we are assured how far the militia of Washington are to be relied on for guards in concluding of the treaty, whom alone I designed to call upon to attend this duty. You will also please inform me respecting the proclamations, to remove all intruders on the Indians land, and what is done in Hubart's case, of which I wrote you by colonel Martin.

In the meanwhile,

I am with respect

Your most humble servant

ALEX. MARTIN.¹

In the reply to Governor Martin the Franklin general assembly presented an admirable statement of the Franklin case against North Carolina. It is found in the *Pennsylvania Packet* of May 21, 1785, and is worth quoting in full as follows :

Sir,

Your letter of the 27th of February, directed to brigadier general Saveez, favored by major Henderson, was laid before the general assembly of the state of Franklin, by the governor : we therefore think it our duty to communicate to you, the sense of the people of this state, and observe your excellency's candor in informing us that the reason North Carolina repealed the cession act, was, because the sense of Congress was to allow the state of North Carolina nothing for the land ceded ; the truth of that assertion we will not undertake to determine — but we humbly conceive, the terms on which Congress was empowered to accept the cession, was fully expressed in the cession act itself ; and consequently every reason existed for not passing that act, that could have existed for the repeal ; except that of doing justice to the United States in general ; who, upon every principle of natural justice, are equally entitled to the land that has been conquered by our joint efforts : and we humbly thank North Carolina for every sentiment of regard she has for us, but are sorry to observe, that as it is founded upon principles of interest, as is apparent from the tenor of your letter, we are doubtful, when the cause ceases which is the basis of that affection, we shall lose your esteem.

Reflect, sir, upon the language of some of the most eminent members in the general assembly of North Carolina at your last spring session, when the members from the western country were supplicating to be continued a part of your state : were not these their epithets, "The inhabitants of the western country are the off-scourings of the earth ; fugitives from justice ; and we will be rid of them at any rate." The members of the western country, upon hearing these unjust reproaches and being convinced it was the intention of the general assembly to deprive them

¹ *Pennsylvania Packet*, May 21, 1785. The question regarding Hubart, who had murdered an Indian, was a pertinent one, as he had been elected member of the Franklin assembly. See Joseph Martin to Patrick Henry, *Calendar of Virginia State Papers*, IV. 18.

of any further protection, consulted each other and concluded it was best to appear reconciled with the measure, in order to obtain the best terms they could, and was not surprised to see North Carolina, immediately on passing the act of cession, enter into a resolve, to stop the goods that they, by act of the general assembly, had promised to give the Indians, for the lands they had taken from them, and sold for the use of the state.

The inadequate allowance made the judges who were appointed to attend the courts of criminal jurisdiction, and who had to travel over the mountains, amounted to a prohibition as to the administration of justice in this quarter: and although the judge appointed on this side the mountains, might, from the regard he had to the administration of justice in the county of Cumberland, have held a court there, yet, as your excellency said, to grant him a commission agreeable to the act of general assembly, he could not have performed that service, had he been ever so desirous of doing it.

The people of the western country found themselves taxed to support government, while they were deprived of all the blessings of it; not to mention the injustice done them in taxing their land that lay five hundred miles from trade, equal to lands of the same quality, on the sea shore. The frequent murders committed by the Indians on our frontiers, have compelled us to fall upon some plan for our own defence. How far North Carolina has been accessory to those murders, we will not pretend to say. We know she took the land the Indians cleared — promised to pay them for it — and again resolved not to do it; and that in consequence of that resolve the goods were stopped.

You say it has been suggested that the goods your state promised the Indians, are to be stopped, and the commissioners arrested when they arrive on the business of the treaty. We are happy to inform you that that suggestion is false, groundless, and without the least foundation; and we are certain you cannot pretend to fault us, that your state stopped the goods by a resolve of the general assembly in violation of the act for granting them to the Indians: and if your state is determined to evade their promise to the Indians, we intreat you, not to lay the blame upon us, who are entirely innocent, and determined to remain so.

It is true we have declared ourselves an independent state, and pledged our honours, confirmed by solemn oath, to support, maintain, and defend the same. But we had not the most distant idea that we should have incurred the least displeasure from North Carolina, who compelled us to the measure; and to convince her that we still retain our affection for her, the first law we enacted, was to confirm all and every right granted under the laws of North Carolina; and have placed them on the same footing in every respect, as if we had not declared ourselves an independent state; hath patronized her constitutional laws — and hope for her assistance and influence in Congress, for hastening our reception into the foederal union. Should our hopes be blasted, we are determined never to desert that independence which we are bound by every tie of honor and religion, to support.

We are induced to think North Carolina will not blame us for endeavoring to promote our own interest and happiness, while we do not attempt to abridge her's, and appeal to an impartial world to determine, whether we have deserted North Carolina or North Carolina deserted us? You will please lay these our sentiments before the general assembly of your state, and beg leave to assure them, that should they ever stand in need of our assistance, we shall be always ready to render them every service

in our power, and hope to find the same sentiments prevailing in them towards us.

Your very humble servants

LONDON CARTER, S. S.

WILLIAM CAGE, S. C.

By order of both houses of the general assembly.

THOMAS TALBOT, C. S.

THOMAS CHAPMAN, C. C.

To his Excellency Alexander Martin, Esq.
Governor of the state of North Carolina.

Meanwhile, as his letter to Sevier had been unavailing, "Gov. Martin published a long manifesto opposed to the measure of the government of Frankland and using some threats in case the new authority was not given up."¹ In order to get his proclamation distributed among the people whom he intended it should influence, he sent it to Colonel John Tipton, a prominent opponent of the new state scheme, and bitter rival of John Sevier.

In the letter accompanying it he referred to Tipton's "Endeavors to prevent the late rash, and unwarrantable Measures of the people of the Counties of Washington, Sullivan, and Greene," and asked him to make the proclamation public through his "county, and elsewhere, it may be necessary by dispersing Copys thereof." In conclusion he thanked him for the "attempts he had already made to discountenance the lawless proceedings of his neighbors" and suggested that "they would not be unnoticed by the Legislature."² The circulation of this document does not appear to have had much effect upon the situation. According to one report it "was ingeniously answered by two different hands and afterwards held in much derision."³ It was moreover met by the counter proclamation of Governor Sevier, issued May 15, 1785. He charged that its object was "to create sedition and stir up insurrection amongst the good citizens of this state, thinking thereby to destroy that peace and tranquility that so greatly abounds amongst the peacetul citizens of this new happy country." He refers to the effective work of the backwoodsmen in the battle of King's Mountain and points out the ingratitude of North Carolinians, who "first invited to this separation" and "if in their power would now bring down ruin and destruction on that part of their late citizens, that all the world well know, saved the present state out of the hands of their enemy,

¹ *Maryland Gazette*, Oct. 11, 1785, quoting a letter from Richmond. Draper Colls., Newspaper Extracts, III.

² Governor Martin to Colonel John Tipton, Draper Colls., King's Mountain MSS., XI.

³ Richmond letter in *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

and saved her from impending ruin." He closes by "strictly enjoining and requiring all and every the good citizens of this state, as they will answer the same at their peril, to be obedient and conformable to the laws thereof."¹

While the issue between the new and the parent state was thus squarely presented, the new government was assuming and exercising actual jurisdiction. A man in Washington county, Virginia, wrote June 1, 1785, that "the New society or State called Franklin has already put off its infant habit, and seems to step forward with a florid, healthy constitution; it wants only the paternal guardianship of Congress for a short period, to entitle it to be admitted with eclat, as a member of the Federal Government. Here the genuine Republican! here the real whig will find a safe asylum, a comfortable retreat among those modern Franks, the hardy mountain men!"²

The paternal guardianship of Congress had been particularly desired by the Franklinites from the beginning. It was closely connected with their idea of independence, which was the independence of a state in the Federal Union. Their plan in the beginning was to send one or more persons to "represent their situation" in Congress and to bear their petition that that body accept North Carolina's cession and give them "countenance in forming a separate government." William Cocke was chosen delegate, and was reported to have been "greatly satisfied with his reception."³

Although some influence was brought to bear to secure further land cessions to Congress, and although some members showed a decided sympathy for the new state,⁴ nothing was done to give it official recognition. Cocke later sent an appeal to Benjamin Franklin asking for advice.⁵ That experienced statesman in his reply expressed appreciation of the honor of having his name adopted by the new state which he had hitherto supposed was called Frankland, but advised his friends not to persist in their plan of separation from North Carolina at that time. In the spring of 1787 Governor Sevier himself wrote to Franklin, outlining the whole history of the movement, and asking him, if he thinks the cause laudable, "to write on the subject." He said Franklin's former letter had not been received, but if one should be directed in "care of the governor of Georgia it would come safe."⁶

¹ Governor Sevier's entire proclamation may be found in *Pennsylvania Packet*, Aug. 9, 1785.

² *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

³ William Grayson to Governor Randolph, *Calendar of Virginia State Papers*, IV. 296.

⁴ Cocke to Franklin, *Works of Franklin*, X. 260.

⁵ *Works of Franklin*, X. 290.

While these efforts were being made to secure recognition by Congress and to enlist the support of prominent men in the other states, plans were being made to increase the numbers and extend the territory of the new state. We have noted part of the resolution of the first Franklin convention contemplating annexation of a "contiguous part of Virginia." There was quite a party in Washington county, Virginia, ready to join any movement that would free them from Virginia rule. Some account of their leaders, particularly Colonel Arthur Campbell, justice of the peace and county lieutenant, is worth giving not only to show their relation to the Franklin movement but also to show the temper of the frontiersmen and their readiness to throw off their state allegiance and embark on new government schemes.

The chief complaint of these people in 1785 was excessive taxation. Colonel Campbell declared that two million dollars more than was due had been taken already from the citizens of the county, and that they should insist on that sum's being accounted for before submitting to any further taxation. When some one urged in a public meeting that "the people Ought to pay the half Tax then Cal'd for, . . . Colo. Campbell Immediately replied, truly the Gentleman preaches up to You Passive Obedience and non-Resistance." On the same occasion it was announced that "the Sheriff would take Beef Cattle for the Collection, to make it Easy on those who Could not rais Money to pay their Taxes. Some of the people replied the would take up arms before the would pay Their Tax. Colo Campbell Instantly replied, he liked such Men, who would take up arms Rather than Submit to so unjust a Tax." When they were threatened with the military power of Virginia, he said "he could assure them there was no danger from that quarter. They would get assistance enough, especially from the Northern States, for they were groaning under their burthens, and wished for some way to extricate themselves." He added "that he could never think to live happy under such a Government, nor die in peace to leave his children under such Government ; for his part, he had rather fight till he lost the last drop of his blood."¹

Reports of the disloyalty of the county lieutenant of course reached headquarters and he was called to account for it in several letters from the governor. In his reply Colonel Campbell, after saying that the Whig interest "seemed to rest satisfied that an ami-

¹ Sworn depositions of General William Russell, James Montgomery, and others to the same effect, prepared for Arthur Campbell's trial for misconduct in office, also letters of the same import from some half dozen different men to Governor Henry. *Calendar of Virginia State Papers*, IV. 45, *et passim*.

cable and enlightened Administration would pave the way " for a redress of grievances, plunged directly into the new state questions. His words on this subject are worth quoting as coming from the man who was at this time the leader of the new state movement in his region. He wrote as follows :

We are told (but it is only from report) that we have offended government on account of our sentiments being favourable to a new State, and our looking forward for a separation. If such a disposition is criminal, I confess there is not a few in this County to whom guilt may be imputed, and to many respectable characters in other Counties on the Western Waters. If we wish for a separation it is on account of grievances that daily become more and more intolerable ; it is from a hope that another mode of governing will make us more useful than we now are to the general Confederacy, or ever can be, whilst so connected. But why can blame fall on us when our aim is to conduct measures in an orderly manner, and strictly consistant with the Constitution. . . . But, sir, why may we not take courage and say we are right when adverting to our own Constitution, to the different Acts of Congress, that of different Legislatures, the opinions of the first statesmen in America, among whom we can number an illustrious Commander, a great Lawyer and Judge in this State, and a Governor of Virginia himself.¹

All this might seem to indicate that another new state was in contemplation rather than an addition to the state of Franklin ; but such was not the case. Campbell had regarded the Franklin movement as hasty, and had expressed the opinion that the mountaineers should have waited for some encouragement from Congress before setting up an independent state. But after it had been done he thought it would be best for the people on the western waters of Virginia to join the Franklinites ; and " the sooner the better," said he, " or we need not expect to share equal advantages with them." The settlers of these parts of Virginia and North Carolina had acted together in the war of the Revolution, and there were economic as well as political reasons why they should now be bound together into a single state. The people of western Virginia sent two petitions to Congress asking to be formed into a new state, and proposing boundaries which included the Franklin settlements. They wanted the Jefferson plan of 1784 so modified as to allow this.

Virginia, determined to check the movement, passed an act in the fall of 1785 by which it was made high treason to erect an independent government within her limits unless authorized by the assembly. This seems to have been effectual. The Franklin people must have been much disappointed at not gaining the addition of these parts of Virginia. They had hoped that with this accession they would be strong enough to secure recognition by Congress

¹ *Ibid.*, 44.

and admission to the Federal Union.¹ But there seems to have been no public attempt to secure an addition of any part of Virginia's territory without her consent. Governor Sevier emphasized this in a letter to Governor Henry, saying, "we will on no account Encourage any part of The people of your state to join us, nor will we receive any of them unless by Consent of your state."² There seems to have been no discussion of a union with any part of Virginia after the fall of 1785.

In the spring of 1785 it was reported that a project of quite a different character was on foot, with the object of getting an accession of population and territory toward the south. It was nothing less than the incorporation of the Cherokee Indians into the new state—something decidedly exceptional in United States history. Difficulties had been expected when Governor Martin, alleging the defection of the Western people as the reason, refused to deliver goods promised to the Indians for their land or to hold any treaty with them. A little later he reported that "the Greatest part of the Cherokee and Creek Indians are for warr, occassioned by the State of Franklyn passing an Act to Extend their Boundary . . . without Holding any Treaty with them."³ Colonel Joseph Martin thought that if the Westerners should proceed with their new state movement it would involve the whole country in a general Indian war. The next report was that the Cherokees were likely to be incorporated in the state of Franklin and send delegates to her general assembly. What there was at the bottom of the report we cannot say. We have it from at least three different sources, letters dated May and June, 1785. Arthur Campbell wrote to Governor Henry that Governor Sevier was then "treating with the Cherokees with a view to an incorporation."⁴ A "gentleman in Washington" wrote that "The executive of the State of Franklin has lately concluded a treaty of amity and perpetual friendship with the Cherokee Indians, and a negociation is on foot to give that nation a representation in the new legislation."⁵ The *Maryland Gazette* (Oct. 11, 1785), published an "Extract of a letter from Caswell County, in the State of Frankland," whose author said: "A negociation is on foot with the Cherokees, and the aim will be to incorporate them and make them useful citizens. I dare say this project will startle

¹ Joseph Martin thought this was their reason for trying to get Virginia towns to join them. Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 54.

² *Calendar of Virginia State Papers*, IV. 43.

³ Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 18.

⁴ *Calendar of Virginia State Papers*, IV. 32.

⁵ *Pennsylvania Packet*, Aug. 6, 1785.

your rigid sectaries;—but you, we expect, will be more liberal, when it manifestly appears that the interests of humanity and of our new society will be promoted.”¹ No evidence appears to show whether the Indians declined to be made useful citizens in this way, or the Franklin leaders changed their minds about it. Perhaps the latter feared that to unite with the Indians would prejudice their cause in the other states, where their character was already impeached by some. Governor Sevier even thought it incumbent upon him to write to Governor Henry, “we hope soon to convince them all that we are not a banditti, but a people who mean to do right as far as our knowledge will lead us.”² Afterwards the Franklin government had considerable trouble with the Indians, and made an agreement with the friendly state of Georgia to furnish 1,500 men for a joint expedition against them.³ Governor Sevier found occasion to bring into play all his ability as an Indian fighter.

It will be remembered that the Franklin government was established early in 1785 by a general assembly elected under the North Carolina election law. This assembly did a good deal of business. Among other things it organized the counties of Caswell, Severn, Spencer, Wayne, and Blurt,⁴ adding them to the original three. It appears to have remained in session through the spring and summer of 1785, and only dissolved on the eve of the meeting of the fourth state convention. Many of its acts were of course criticised. Party differences existing among the people were sure to find expression upon most governmental measures. One optimistic Franklinite, speaking of the contentions then existing, wrote that it might give uneasiness to some, but he found it “had a powerful influence to set on foot free enquiry, and to bring about surprising advances in political knowledge.” “This will be found useful,” said he, “in forming the manners of a people; and I am not without hopes that the next generation in Frankland will vie with Athens itself.” The proposed constitution then before the people was another subject for dispute. The fourth convention was authorized to modify, accept, or reject it. About the first thing done when it met, Nov. 14, was to reject it. A more satisfactory one was drawn up with the constitution of North Carolina as a basis. In this connection a decision was made regarding the name for the new state. Up to this time it seems to have been called Frankland or Franklin indifferently. Now it was officially christened Franklin.

¹ Draper Colls., Newspaper Extracts, III.

² *Calendar of Virginia State Papers*, IV. 43.

³ Major Elholm's letter. Draper Colls., Newspaper Extracts, III.

⁴ Thus in the *Pennsylvania Packet*, January 5, 1786. Possibly for Blount or Blunt.

In the summer of 1785, Governor Martin's administration having expired, North Carolina's attitude seemed more friendly.¹ An amicable settlement with the parent state seemed probable. Indeed Governor Martin himself had hinted at a formal and legal separation when he admonished the western men to remain loyal to North Carolina "until the consent of the legislature be fully and constitutionally had for a separate sovereignty and jurisdiction." Again he is reported to have suggested that negotiations be opened for a division of the back lands with North Carolina without the interference of Congress, and that a liberal compact might "be formed and their separation recognized constitutionally."² North Carolina appeared to object to the organization of the new state, simply because its organization had been effected without authorization. Even the North Carolina constitution, adopted in 1776, recognized that there might be "the Establishment of one or more governments westward of this State by the consent of the Legislature."³ So it would seem that with "a very friendly overture" from "Governor Caswell and some others, the first characters in that state," the outlook was promising for a peaceful settlement with North Carolina. The executive was but the servant of the legislature, however. Under a new election law passed in Nov., 1785, some members of the North Carolina general assembly were elected from Franklin counties by North Carolina partizans. This was the first interference with Franklin jurisdiction.⁴ In the session of Nov., 1786, North Carolina decided to reassume sovereignty and jurisdiction over the transmontane counties at once. It looked as though there would have to be submission or an armed conflict. In the hope of averting both, Governor Sevier "in Council" wrote a letter to the governor of North Carolina, in June, 1787, and sent it to him by Major Elholm, special commissioner from the state of Franklin. "We are unwilling and exceedingly sorry to think," he wrote, "that any violent measures should be made use of against any of our sister states, especially the one that gave us existence, though it now wishes to annihilate; and what occasions us excruciating pain is that perhaps we may be driven to the unparalleled necessity of defending our rights and liberties against those who, not long since, we have fought, bled and toiled together with, in the common cause of American Independence—otherwise become the ridicule of the whole world." "It is not the sword that can intimidate us,"

¹ Franklin letter dated Aug. 17, 1785, in *Pennsylvania Packet*, Sept. 30, 1785.

² Arthur Campbell to Governor Henry. *Calendar of Virginia State Papers*, IV. 32.

³ N. C. Const., Art. XXV. *Colonial Records of North Carolina*, X. 1005.

⁴ Sevier to B. Franklin. *Works of Franklin*, X. 290.

he added. "The rectitude of our cause, our local situation, together with the spirited alertness of our countrymen in such cases, would inflame us with confidence of success." Recalling the assistance rendered North Carolina by frontiersmen in the Revolutionary War, he asked the governor and through him the whole state government "to be pleased to afford the State of Franklin your countenance in promoting the interest of our infant republic; and reconciling matters between us and the parent state."¹ This plea availed nothing, however. In the same region where Franklin officers acted for their state another set of officers attempted to maintain the authority of North Carolina, and with some success. Conflicts were of course inevitable, but it is remarkable that they were so few. Many of the people took advantage of the situation, particularly in the matter of tax paying, professing to be uncertain which was the rightful authority and so paying no taxes at all. To make matters worse there was the then common frontier difficulty of scarcity of specie. This was remedied by fixing currency values to such articles as "good clean beaver," raccoon, fox, and deer skins, linen, bacon, tallow, and "good whiskey." Salaries of state officers were fixed in this money toward the last. The governor was allowed 1,000 deerskins, while his secretary had 500 raccoon skins. A justice received four muskrat skins for signing a warrant, while the constable was allowed one mink skin for serving it.²

In the last year of its existence, when there seemed to be no hope of recognition by Congress or favorable consideration by North Carolina, some of the Franklinites allowed themselves to hope that the Federal Convention at Philadelphia might do something for them. They thought it might undertake to settle their difficulties. It could be done, wrote one of them, by investing Congress with "power to have a deed executed to them for the Territory ceded by the State of North Carolina on the 2d of June, 1784." Their argument was that "Congress were in possession of the act of cession of said state at the time it was repealed; and also that it could not with propriety be repealed, as the time Congress had to consider of and accept the Territory so ceded was one of the stipulations of the said act."³ If an attempt had been made to get the convention to act in this way on the strength of this argument, probably there would have been some interesting discussion involving important

¹ *Historical Review and Directory of N. Am.*, II. Draper Colls., Newspaper Extracts, III.

² Act of Franklin general assembly, quoted in *Maryland Journal*, March 3, 1789. By the terms of the law itself it was to go into effect Jan. 1, 1789.

³ "Writer from the state of Franklin," in *Maryland Journal*, July 27, 1787, Draper Colls., Newspaper Extracts, III.

principles at the basis of Federal relations. But the constitution makers had no time to take up the claims of the North Carolina mountaineers, even if they had considered it wise to do so. In spite of the fact that the United States gave no recognition in any way to the state of Franklin and did absolutely nothing for it during the whole period of its existence, no official Franklin document and no letter written by a Franklin citizen, so far as we have been able to discover, breathed the slightest complaint against the Federal Government. Loyalty to the American Union was characteristic of them all. The influence of the frontiersmen upon the development of the national spirit in the last century and a quarter of American history is not sufficiently understood.¹ As the frontier has swept from the Alleghany Mountains to the Pacific Ocean and the backwoodsmen have founded state after state they have always been strong in their attachment to the Union. The founders of Franklin, which might be called the first western state, showed their consideration for the Federal Government in practical ways, if we may credit the accounts that have come down to us. We can easily believe the "writer from the state of Franklin" whose letter was published in the *Maryland Journal* in July, 1787. He wrote: "They have opened an office in the State of Franklin for the disposal of the lands given up to them by the Cherokee tribe. . . . The money arising from the sale of the said lands is to be reserved in the Treasury for the express purpose of paying their quota of the Federal Debt, as they are all friends to the Federal Government if they can enjoy it." We may well question whether much money was actually laid aside for the Federal debt, but it does not seem doubtful that such was the intention.

The new commonwealth was not backward in considering the distinctive interests of the west. The *Maryland Journal* reported the sending of "two Deputies to Kentucky to meet a Convention of all the western settlements for the purpose of consulting on proper measures respecting the navigation of the Mississippi." At another time the aggressions of the Spanish from the Floridas and Louisiana received vigorous consideration, especially when it was reported "from undoubted authority that many of their citizens had been deprived of their lives, liberties and property, within the jurisdiction of the United States, by persons acting under the authority of his Catholic Majesty's government." The *Maryland Journal* credited the news "from the State of Franklin" that their "Assembly, as the Fathers of the people, thinking it their indispensable

¹ See Turner's "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, p. 199.

duty to put a stop to all further depredations, have passed a law which provides for a body of 1500 men, to be immediately enlisted as regular troops for three years, to be embodied in one Legion and to be commanded by a General of experience. . . . They will be in readiness to march this month and mean to thrash (by the Divine Blessing) those perfidious Castilians into a better conduct towards the people of the United States."

Whether troops were actually raised for operation against the Spanish we cannot tell. Soon the Franklin government had all it could do to maintain itself. Colonel Tipton had been invested with North Carolina authority, and with the resident North Carolina partizans was doing all he could to overthrow the Franklin government. The wonder is that there was not more blood shed than there was, considering the whole situation. The Tiptonites, as they were called, and the Franklinites were in arms against each other, and the former succeeded two or three times in getting possession of Jonesborough. In spite of these and other conflicts there seems to have been but one sanguinary engagement, when perhaps ten men were killed. Sevier and his party had been surprised early in the morning and compelled to retire so hastily that the governor's boots were left behind. General Russell in describing the results of the battle at the time wrote: "twelve are dead of their wounds and the Governor seen 15 miles from home barefooted. The last account says both parties are raising more men: how it may end God only knows."¹ It ended peaceably, however, shortly after this—with the close of Sevier's term of office. His friend Joseph Martin had been made brigadier-general of North Carolina militia, and in order to avoid an armed conflict wrote him a friendly letter on March 21, 1788. Within a week Sevier replied that he considered himself "under obligations to any friend" for "interposition in time of Distress," but assured him that he considered himself "justly authorized" to do all that he had done for Franklin "from the laws of North Carolina, which State is the author of all these disturbances." "I have been faithfull," he wrote, "and my own breast acquits myself that I have acted no part but what has been Consistent with honor and justice, tempered with Clemency and mercy. How far our pretended patriots have supported me as their pretended chiefe magistrate, I leave the world at large to Judge. I never meant to spill blood on the occasion to the latest period of my time in office, Tho' unfortunately for some, it has been the case, But contrary to my orders. . . . I am now a private citizen

¹ *Maryland Journal*, Apr. 8, 1788. Draper Colls., Newspaper Extracts, III. General Russell's letter is dated March 9, 1788.

some time since. I have supported the authority of Franklin during my continuance in office, and if the People have not spirit enough to support it farther, I shall not concern myself more than to secure my person and friends from the hands of Ruffins and assassins." ¹ In response to another letter from General Martin, Sevier wrote, April 3: "I have just now been Hon'd with your letter with respect to an accommodation of our unhappy disturbances. I am ready to suspend all kind of hostilities and Prosecutions on our part, and bury into total Oblivion all past conduct. If you and the officers under your command will accede to the like measures Until the Rising of the next North Carolina Assembly, and be guided by the deliberations of that body, peace and Order may immediately take place." ² A few days after this General Martin wrote to Governor Randolph: "I returned last evening from Green Co. Washington district, North Carolina, after a tower through that Co'ntry, and am happy to inform your Excellency that the late unhappy dispute between the state of North Carolina and the pretended State of Franklin is subsided. . . . I have met with some Difficulty in settling the dispute, and flatter myself that it is affected." ³ On April 12 Arthur Campbell wrote to Governor Randolph, "The commotions in what was called Franklin has subsided, and Mr. Sevier is elected a Member for the North Carolina Convention." ⁴ Surely at this time the state of Franklin was no more.

Of the many schemes for forming new governments west of the Alleghany Mountains ⁵ none up to this time had reached the development attained by this state, formed by the pioneers themselves, and maintained for three years against the indifference or avowed opposition of the old states. Its history is perhaps the best illustration that can be given of the political conditions existing on the American frontier prior to the adoption of the Constitution. It may be that the scenes described above would have been repeated again and again all along the frontier, with perhaps not always the same outcome, if Congress had not been enabled to provide a better system.

GEORGE HENRY ALDEN.

¹ *Calendar of Virginia State Papers*, IV. 416.

² *Calendar of Virginia State Papers*, IV. 421.

³ *Calendar of Virginia State Papers*, IV. 432.

⁴ *Calendar of Virginia State Papers*, IV. 424. The convention referred to was the one which rejected the Constitution of the United States, to Sevier's disgust.

⁵ For a number of those plans see the writer's "New Governments West of the Alleghanies before 1780." *Bulletin of the Univ. of Wis., Historical Series*, II., No. 1.